

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JARROD STRINGER, NAYELI GOMEZ, §
JOHN HARMS, MOVE TEXAS CIVIC FUND, §
and LEAGUE OF WOMEN VOTERS OF TEXAS §
§
Plaintiffs, §
§
v. §
§
RUTH HUGHS, IN HER OFFICIAL §
CAPACITY AS THE TEXAS SECRETARY OF §
STATE and STEVEN C. McCRAW, IN HIS §
OFFICIAL CAPACITY AS THE DIRECTOR OF §
THE TEXAS DEPARTMENT OF PUBLIC §
SAFETY §
§
Defendants. §

Civil Action No. 5:20-cv-00046-OLG

PLAINTIFFS' MOTION REQUESTING JUDICIAL NOTICE

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, Plaintiffs respectfully ask the Court to take judicial notice of various official government web pages. Specifically, Plaintiffs request that the Court take judicial notice of the following Texas Department of Public Safety, Texas Secretary of State, and U.S. Census Bureau websites and contents thereof:

1. Texas Department of Public Safety, Driver License Renewal and Change of Address Web Page, <https://txapps.texas.gov/tolapp/txdl/>, attached hereto as A-1.
2. Texas Department of Public Safety, Online Services Eligibility, https://txapps.texas.gov/tolapp/txdl/eligibility.dl?locale=en_US, attached hereto as A-2.
3. Texas Secretary of State, Voter Registration Application, <https://webservices.sos.state.tx.us/vrapp/indEx.asp>, attached hereto as A-3.
4. Texas Secretary of State, Request for Voter Registration Application, <https://www.sos.state.tx.us/elections/voter/reqvr.shtml>, attached hereto as A-4.

5. Texas Secretary of State, Important Election Dates, <https://www.sos.state.tx.us/elections/voter/2020-important-election-dates.shtml>, attached hereto as A-5.
6. Texas.gov, The Official Website of the State of Texas, <https://texas.gov/>, attached hereto as A6.
7. Application for Texas Driver License or Identification Card, <https://www.dps.texas.gov/internetforms/Forms/DL-14A.pdf>, attached hereto as A-7.
8. Application for Renewal/Replacement/Change of a Texas Driver License or Identification Card, <http://www.dps.texas.gov/Internetforms/Forms/DL-43.pdf>, attached hereto as A-8.
9. Application for Change of Address on Valid Texas Driver License (DL) & Identification Card (ID), <http://www.dps.texas.gov/Internetforms/Forms/DL-64.pdf>, attached hereto as A-9.
10. Texas Department of Public Safety, Driver License Renewal and Change of Address Eligibility and About webpage, https://txapps.texas.gov/tolapp/txdl/faq.dl?locale=en_US, attached hereto as A-10.
11. United States Census Bureau, County-to-County Migration Flows: 2013-2017 ACS, Census.gov (last revised Aug. 22, 2019), <https://www.census.gov/data/tables/2017/demo/geographic-mobility/county-to-county-migration-2013-2017.html>, and the relevant tables linked thereon, attached hereto as A-11.

AUTHORITY

The Court may take judicial notice of “a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Courts routinely take judicial notice of information contained on government websites. *See Kitty Hawk Aircargo, Inc. v. Chao*, 418 F.3d 453, 457 (5th Cir. 2005) (taking judicial notice of representation on agency website); *Coleman v. Dretke*, 409 F.3d 665, 667 (5th Cir. 2005) (taking judicial notice of Texas state agency’s website); *see also United States v. Garcia*, 855 F.3d 615, 621-22 (4th Cir. 2017) (holding that district court

did not abuse its discretion in taking judicial notice of information on USCIC website). Moreover, courts may take judicial notice of government website information that is admissible under the public records exception to the hearsay rule. Fed. R. Evid. 803(8); *see, e.g., Kew v. Bank of Am., N.A.*, No. CIV.A. H-11-2824, 2012 WL 1414978, at *3 n.4 (S.D. Tex. Apr. 23, 2012) (holding that a printout from the Harris County Appraisal district’s website was a public record under Rule 803(8) and that the court could take judicial notice of the same). Likewise, “United States census data is an appropriate and frequent subject of judicial notice.” *Hollinger v. Home State Mut. Ins. Co.*, 654 F.3d 564, 571–72 (5th Cir. 2011) (considering census data related to the rate at which people move from Texas to another state).

Judicial notice expedites proceedings by simplifying the process of proving matters on which there can be no reasonable dispute. “When a party requests that the Court take judicial notice of a fact and supplies it with the necessary information, the Federal Rules of Evidence provide that the Court must judicially notice the fact in question.” *Cleven v. Mid-Am. Apartment Communities, Inc.*, No. 1:16-CV-820-RP, 2017 WL 4276534, at *3 (W.D. Tex. Sept. 26, 2017) (citing Fed. R. Evid. 201(b)). Here, the accuracy of Defendants’ own web pages and commonly available census data cannot be reasonably questioned. Recognizing this, the District Court previously took judicial notice of these exact or previous versions of these materials in an earlier, related case. *See Stringer I*, No. 5:16-cv-00257-OLG at Doc. #104 (W.D. Tex. Apr. 26, 2018) (order).

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request this Court take judicial notice of attachments A-1 through A-11 and the content therein.

Dated: January 17, 2020

Respectfully submitted,

/s/ Rebecca Harrison Stevens

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** Joaquin Gonzalez's Motion for Admission
Pro Hac Vice into the U.S. District Court of
the Western District of Texas is currently
pending.*

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** Peter A. Kraus's Motion for Admission Pro Hac Vice into the U.S. District Court of the Western District of Texas is currently pending.*

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I certify that on January 16 and 17, 2020, I conferred via email with Anna Mackin, counsel for Defendants, who indicated that she will confer with her clients and advise whether they oppose the instant motion next week.

/s/ Caitlyn Silhan

CERTIFICATE OF SERVICE

By my signature below, I certify that a true and correct copy of the foregoing has been served on all counsel of record on January 17, 2020 via email and on January 18, 2020 via certified mail, return receipt requested.

/s/ Rebecca Harrison Stevens